

HB

297

Alaska State Legislature

Session Address:

Alaska State Capitol
Juneau, AK 99801
Phone: (907) 465-2679
1-800-505-2678
Fax: (907) 465-4822

Interim Address:

600 E. Railroad Avenue
Wasilla, AK 99654
Phone: (907) 376-2679
Fax: (907) 376-4745

Representative.Mark.Neuman@legis.state.ak.us

Representative Mark A. Neuman

District 15

February 22, 2008

Representative John Coghill, Chair
House Rules Committee
State Capitol, Room 214
Juneau, Alaska 99801

Dear Representative Coghill:

SUBJECT: HB 297 PRACTICE OF VETERINARY MEDICINE

Attached is a committee package for House Bill 297. I respectfully request this legislation be calendared at your earliest convenience.

Included are the following:

- * all versions of the bill
- * the bill history
- * sponsor statement 25-LS0357K
- * fiscal note
- * support letters (no letter of opposition have been received to date)
- * sectional analysis prepared by Legislative Legal

HB 297 is supported by the DCCED/Division of Corporations, Business and Professional Licensing and the Alaska Board of Veterinary Examiners. Please feel free to call my office at (907) 465-2679 if you require more information or have any questions.

Sincerely,



Representative Mark Neuman
House District 15

Alaska State Legislature

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District 15

SPONSOR STATEMENT – HB 297

"An Act relating to student permits authorized by the Board of Veterinary Examiners; and relating to the application of certain statutes pertaining to veterinarians and veterinary practice to certain persons."

Due to changes in veterinary medicine over the past few years, updates are now required to align Alaska statutes with current standards of veterinary practice. The statutes governing the practice of veterinary medicine were last updated in 1998; consequently, the Alaska Board of Veterinary Examiners and the Department of Commerce have recommended modernization of the statutes in order to utilize all the technology that has been developed in the past 10 years.

HB 297 will amend the licensing statutes to allow fourth year veterinary students to work in Alaska under the supervision of an Alaska licensed veterinarian. Currently, there is no provision in Alaska statutes that would allow a student enrolled in an accredited college to experience the practice of veterinary medicine in the state. Veterinary programs routinely require participation in an externship program prior to graduation, forcing students to seek externships outside of Alaska. Providing for a student permit creates an incentive for students to gain supervised practice and training in Alaska, receive credit for work experience, and an opportunity to return to Alaska after graduation to practice as fully licensed veterinarians.

HB297 provides exemptions that have long been recognized in the Veterinary Practice Acts of most other states. Monies and time currently spent in obtaining temporary licenses for veterinarians engaged in wildlife research could be redirected towards needed sample collection and analysis costs. Out-of-jurisdiction veterinarians providing consultations by telephone or e-mail or temporary assistance/training for the purpose of providing skills not otherwise available in this state could do so through the request of an Alaska licensed veterinarian.

Legislation has been introduced through a coordinated effort between the Alaska Board of Veterinary Medical Examiners and the Alaska Division of Corporations, Business and Professional Licensing. These changes will enhance the high standard of veterinary care provided in Alaska while attracting new veterinary practitioners to the State.

Contact: Beth Schneider
(907) 465-2679
Version 25-LS0357T
March 18, 2008

Alaska State Legislature

Session Address:

Alaska State Capitol
Juneau, AK 99801
Phone: (907) 465-2679
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Representative.Mark.Neuman@legis.state.ak.us

Representative Mark A. Neuman

District 15

SECTIONAL ANALYSIS – HB 297

"An Act relating to student permits authorized by the Board of Veterinary Examiners; and relating to the application of certain statutes pertaining to veterinarians and veterinary practice to certain persons."

- Section 1.** Adds the issuance of student permits to the powers and duties of the Board of Veterinary Examiners.
- Section 2.** Adds the mailing of student permits to the duties of the Department of Commerce, Community, and Economic Development.
- Section 3.** Exempts certain persons from the provisions of AS 08.98. (Veterinarians).
- Section 4.** Allows the board to approve the issuance of student permits to certain qualified applicants and provides limitations for the holders of these permits.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 297(L&C)
 (H) Publish Date: 2/13/08

Identifier (file name): HB297-CED-OL-01-22-07 Dept. Affected: DCCED
 Title Practice of Veterinary Medicine RDU Corp, Bus & Prof Licensing (117)
 Component Corp, Bus & Prof Licensing
 Sponsor Neuman
 Requester House Labor & Commerce Component Number 2360

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING		0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

This legislation amends AS 08.98 Veterinarians to provide for student externships and to clarify the definition of practicing veterinary medicine. It is not anticipated to impact the operations of the division. Licensing programs are required to cover costs with licensing fees under AS 08.01.065.

Prepared by: Chris Wyatt, Administrative Officer Phone (907) 465-2572
 Division Corporations, Business, and Professional Licensing Date/Time 1/22/08 5:16 PM
 Approved by: Emil R. Notti, Commissioner Date 1/22/2007
Commerce, Community, and Economic Development

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 12, 2008

SUBJECT: CSHB 297() - Sectional summary
(Work Order No. 25-LS0357\Y)

TO: Representative Mark Neuman
Attn: Beth Schneider

FROM: Alpheus Bullard *AB*
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Adds the issuance of student permits to the powers and duties of the Board of Veterinary Examiners.

Section 2. Adds the mailing of student permits to the duties of the Department of Commerce, Community, and Economic Development.

Section 3. Exempts certain persons from the provisions of AS 08.98. (Veterinarians).

Section 4. Amends the statutory qualifications for licensure as a veterinarian.

Section 5. Allows the board to approve the issuance of student permits to certain qualified applicants and provides limitations for the holders of these permits.

Section 6. Replaces the definition of "accredited veterinary school" with a definition for "accredited veterinary program."

Section 7. Amends the definition of the "practice of veterinary medicine."

Section 8. Adds definitions.

Representative Mark Neuman
March 12, 2008
Page 2

Section 9. Adds a provision to uncodified law that provides that (1) the bill's student permit requirement applies only to a student entering into an externship program on or after the effective date of the bill and (2) the change in the qualifications for licensure as a veterinarian in Alaska (made by the bill's secs. 4 and 6) do not apply to a person who was enrolled in a veterinary school that met the approval of the board before the effective date of the bill.

If you have any questions, or if I can be of further assistance, please do not hesitate to contact me.

TLAB:ljw
08-148.ljw

LEGAL SERVICES

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Juneau, Alaska 99801-1182
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MEMORANDUM

March 10, 2008

SUBJECT: Voluntary reporting of suspected animal cruelty by veterinarians
(CSHB 297(); Work Order No. 25-LS0357L)

TO: Representative Mark Neuman
Attn: Beth Schneider

FROM: Alpheus Bullard *TLAB*
Legislative Counsel

Pursuant to a March 7, 2008 memorandum sent to your office, which addressed whether a veterinarian could be statutorily required to report cruelty to animals, you now ask whether a veterinarian may currently report suspected instances of animal cruelty or if veterinarian-client privilege restricts a veterinarian from doing so.

It is my legal opinion that there is not a recognized veterinarian-client testimonial privilege or other legal barrier in Alaska statute or regulation that currently serves to prevent a veterinarian from voluntarily reporting a suspected instance of animal cruelty.

If I can be of further assistance, please do not hesitate to contact me.

TLAB:ljw
08-141.ljw

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FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 10, 2008

SUBJECT: Definition of the practice veterinary medicine
(CSHB 297(L&C)) (Work Order No. 25-LS0357\K)

TO: Representative Andrea Doll
Attn: Susan Hargis

FROM: Alpheus Bullard *AB*
Legislative Counsel

In response to a constituent concern, you have asked for a legal opinion as to the possible effects of a change made to the definition of veterinary practice in CSHB 297(L&C).

CSHB 297(L&C) (25-LS0357\K) provides that a person is "practic[ing] veterinary medicine" if the person diagnoses, treats, corrects, changes, relieves the physical or mental condition of an animal or renders advice or a recommendation as to how to diagnose, treat, correct, change, or relieve the physical or mental condition of an animal.¹

This definition of the "practice of veterinary medicine" encompasses a wide spectrum of actions and behaviors. While this definition of veterinary medicine in CSHB 297(L&C) is conditioned in its application by a number of exemptions in the bill,² the manner in

¹ The bill provides, in pertinent part:

* **Sec. 7.** AS 08.98.250(5) is amended to read:

(5) "practice of veterinary medicine" **means**

(A) [MEANS FOR COMPENSATION] to

(i) diagnose, treat, correct, change, relieve, or prevent animal disease, deformity, defect, injury, or other physical or mental condition, including the prescription or administration of a drug, biologic apparatus, anesthetic, or other therapeutic or diagnostic substance;

(ii) use a manual or mechanical procedure for testing for pregnancy or correcting sterility or infertility; or

(iii) render advice or recommendation with regard to any matter listed in (i) or (ii) of this subparagraph; [. . .]

² The bill provides:

* **Sec. 3.** AS 08.98 is amended by adding a new section to read:

Representative Andrea Doll

March 10, 2008

Page 2

which the "practice of veterinary medicine" is defined will describe the activities of many people who (1) may reasonably believe that they are not "practicing" veterinary medicine and are (2) not covered by the bill's enumerated exemptions.

If I can be of further assistance, please do not hesitate to contact me.

TLAB:ljw

08-142.ljw

Sec. 08.98.125. Exemptions. This chapter does not apply to the following:

- (1) a veterinary medical officer in the military service in the discharge of official duties or as an employee in the federal or state government performing veterinary medical services within the scope of the person's official duties;
- (2) a person who provides care without remuneration to an injured or ill animal that reasonably appears to the person to be in need of aid;
- (3) a veterinarian who is licensed in another state or country, or a person whose expertise a veterinarian licensed in this state believes would benefit an animal, and who provides only consultation to a veterinarian licensed in this state;
- (4) a holder of a student permit under AS 08.98.188;
- (5) a person who performs euthanasia of an animal in the course and scope of the person's employment while employed by an agency that has a permit issued under AS 08.02.050;
- (6) a veterinarian licensed and residing in another state who provides assistance, as requested by and under the supervision of a veterinarian licensed in this state, for the purpose of providing skills not otherwise available in this state in conducting research or other practice of veterinary medicine on captive or free-ranging wildlife; however, that assistance is limited to not more than three events in a calendar year for not more than a total of 60 days in the year and may not be on a regular or recurring basis, as defined by the board;
- (7) a person engaged in the practice of artificial insemination in an animal;
- (8) a farrier in the performance of the farrier's profession;
- (9) a person approved by the Department of Health and Social Services to administer rabies vaccine to animals; and
- (10) a person or employee of a person, who, without compensation, treats only animals belonging to that person, unless ownership is transferred for the purpose of avoiding this chapter or unless the primary purpose of hiring the employee is to avoid application of this chapter.

LEGISLATIVE REFERENCE LIBRARY

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STATE OF ALASKA**

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FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 400
Juneau, Alaska 99801-2105

Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

Mary Pagenkopf

House Labor & Commerce
2/8/08 3:04 p.m.

Steven M. Torrence D.V.M.
4433 Windfall Ave
Juneau, Alaska 99801
907 789-7551
907 209-4116
smtdvm@hotmail.com

Rep. Mark Neuman
Vice Chair, House Labor and Commerce Committee
State Capital Room 432
Juneau, Alaska 99801

Dear Representative Neuman,

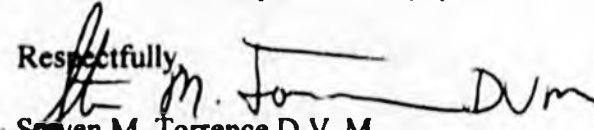
I am happy to support House Bill 297. This bill is the work not only of the present members of the Board of Veterinary Examiners (The Board) and the Department of Commerce but also by previous board members who started the work resulting in this bill. It is the goal of the Board to modernize the statutes regarding the practice of veterinary medicine in the state of Alaska. We considered recommendations and examples of other state practice acts through our membership in the American Association of Veterinary State Boards as well as the special needs and situations that arise with veterinary practice here in Alaska.

There have been many changes in veterinary medicine since the Alaska veterinary statutes were first written. Antibiotics have come into more common use and the dangers of antibiotic sensitivity and the impacts upon animal and human public health have become well known. High speed travel has resulted in rapid transport and dissemination of emerging and foreign infectious diseases for which veterinarians act as sentinels. Modern electronics and the internet have changed and improved the way medical professionals consult, diagnose and treat patients.

Besides providing medical care to pets and farm animals, veterinarians are involved in a diverse range of practice, including, public health, wildlife and marine mammal medicine, research, teaching, and regulatory issues. House Bill 297 will help update the Veterinary Practice Act to reflect advances in medicine, and standards of care, as well as changes in the demographics within the profession.

I believe that the changes House Bill 297 will bring about are positive for citizens and animal welfare. I appreciate any help you can provide in the passage of this bill. Please contact me should you have any questions.

Respectfully,


Steven M. Torrence D.V.M.
Chair, Alaska Board of Veterinary Examiners

From: Gerlach, Robert F (DEC) [bob.gerlach@alaska.gov]
Sent: Thursday, January 24, 2008 6:23 PM
To: Sue Gullufsen
Cc: Beth Schneider
Subject: House Bill 297

I am writing this email not only as the state veterinarian responsible for maintaining the Alaska Animal Health Regulations, but also as a licensed veterinary practitioner.

Because of the unique and diverse training, veterinarians play key roles in food production and safety and the maintenance of both animal and public health. Nationally we are dealing with a shortage of veterinarians and in Alaska the due to the vast extent of the land and dispersion of the population the effects are more obvious. In Washington DC the US Legislature is trying to address this problem by passing the National Veterinary Service Act. It is time that Alaska update the Veterinary Licensing Regulations to help support the practice of quality veterinary medicine and to come into compliance with most other states and the American Veterinary Medical Association National Model Veterinary Practice Act. The Alaska State Veterinary Practice Act (House Bill 297) that is being presented to the state legislature will not only update the regulations but also help to address the need for more veterinary support to the residents and animal resources of the state. I strongly encourage the passage of House Bill 297.

The amendments to the Alaska State Veterinary Practice Act will allow for improved care of domestic animals, both pets and livestock, as well as wildlife through an increased availability of professional consultations from veterinary specialists. Pet populations are growing and animals are becoming an integral part of our lives, giving emotional support and companionship. Animals are not only important for companionship and recreational purposes (mushing and skijoring) but also as professional working partners (police and military working dogs, guide dogs, search and rescue, bomb and drug detection. This bill will allow veterinary instructors and specialists to set up training opportunities for Alaskan veterinarians and provide treatment clinics to our animals with out the burden of applying and paying for temporary licensing.

One of our most important resources in the state is the wildlife. It is valued by tourist, recreational and subsistence hunters, and recreational, subsistence, and commercial fisherman. The management of wildlife populations and research programs involving certain threatened and endangered species (Stellar Eiders, marine mammals) in Alaska is critical. Since there are even fewer expert wildlife veterinarians available in the United States this act will allow greater access and training for resident veterinarians and researchers.

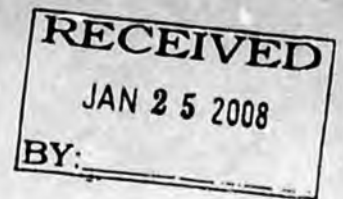
House Bill 297 will exempt student interns state and federal veterinarians from requiring a veterinary license to perform veterinary medical services either under the supervision of a licensed veterinarian or within the scope their official duties. This will not only helps to provide support to private practitioners but will also provide opportunities to veterinary students and interns to experience the challenges of practice in Alaska. This experience can provide a unique and valuable opportunity for veterinary students and interns as well as attract future veterinarians to the state. Veterinarians employed by the military and federal and state agencies ultimately increase the quality and range of veterinary services available to all Alaskans. These special situations have long been recognized in the Veterinary Practice Acts of most other states and our Board of Veterinary Medical Examiners has been working with the staff at the Alaska Division of Occupational Licensing to develop these proposed changes which will bring Alaska's statutes up to date and able to recognize these special needs.

I commend Representative Neuman and will be encouraging my legislators to vote in support of this bill and move it towards speedy passage during the upcoming legislative session.

Thank you,
Bob Gerlach

Robert F Gerlach VMD
Alaska State Veterinarian
5251 Hinkle Road
Anchorage, AK 99507
Office (907) 375-8214
FAX (907) 29-7335
Bob.gerlach@alaska.gov

2/16/2008



Cynthia A. Trout, DVM
5131 Manyette Avenue
Anchorage, Alaska 99516

January 21, 2008

I am writing to give my support to House Bill 297. As a member of the Alaska State Board of Veterinary Examiners, it is my goal to see that veterinary medicine is practiced to the highest standard in Alaska. In the Board's review of Alaska's Veterinary Practice Act (Act), we found many items that needed to be updated and/or changed. As one can imagine with the many advances in medicine every day, the Act needs periodic revision to keep up with the times.

One important change is having the ability to work with veterinary specialists from other states to help with wildlife studies conducted by private and government institutions. These specialists bring valuable expertise that Alaska needs to assist with many protected species, as well as helping care for stranded and injured marine life that the Alaska SeaLife Center handles each year. The exemption that allows out-of-state veterinary specialists easier access to our state will help insure that these programs are successful.

A second change that is needed to the Act has to do with the regulation of student permits and externships, which allow veterinary students to become acquainted with Alaska and the practice of veterinary medicine here. Because we are a state without a veterinary school, such a program is necessary to help recruit veterinarians in the future, while also regulating their activities here.

The Board of Veterinary Examiners has put considerable time and effort into the proposed revisions to the Act. These changes are responsive to the current needs of Alaska, and will help keep our standard of practice of veterinary medicine in Alaska current and progressive. I fully support House Bill 297.

Sincerely,

A handwritten signature in cursive script that reads "Cynthia A. Trout DVM".

Cynthia A. Trout, DVM

From: Dr. Dave Hunt [sitkavet@alaska.com]
Sent: Wednesday, January 23, 2008 4:17 PM
To: Rep. Mark Neuman; 'Donohue, Brenda A (CED)'
Subject: Support for house bill 297

David J. Hunt DVM
209 Jarvis street
Sitka AK 99835
907-747-7387
sitkavet@alaska.com

I am writing to you to support House Bill 297. I have practiced veterinary medicine in the state of Alaska for over 12 years and have served on the board of veterinary examiners for 6 years. During this time period the practice of veterinary medicine has changed dramatically and yet our practice act has not been changed to reflect this. For this reason, my fellow board members and I have worked many hours to draft changes to our practice act to keep up with the advances in veterinary medicine.

House Bill 297 allows certain exemptions for the practice of veterinary medicine that is crucial to the study of avian influenza and other diseases that can spread throughout the world. By giving exemptions to federal veterinarians to work on wildlife it will allow veterinarians instead of biologist to surgically implant tracking devices to study migrations of birds and other wildlife. Without this bill biologist that are not qualified to do these surgeries have been doing them because of our current practice act.

House Bill 297 will also help students work with veterinarians in a practice environment. It will allow a veterinarian to supervise students and in doing so ensure that Alaska will have veterinarians for future generations. Our current practice act does not address this issue, leaving students of accredited veterinary schools to pursue externships in other states.

The veterinary board asks your support for this important bill. If you have any questions regarding this bill please feel free to contact me.

David J Hunt DVM
Sitka Animal Hospital

From: DocBob [docbob@acsalaska.net]
Sent: Tuesday, January 15, 2008 10:55 PM
To: Beth Schneider; Sen. Lesil McGuire; Rep. Craig Johnson; Sue Gullufsen
Subject: House Bill 297
Follow Up Flag: Follow up
Flag Status: Completed

Dear Representative Neuman, Senator McGuire, Representative Johnson, and Sue Gullufsen,:

As a 31 year Alaskan resident, research parasitologist, and adjunct professor of biology at Wayland Baptist University, I strongly encourage the passage of House Bill 297.

I have had the opportunity to work with the veterinary community in Alaska, California, and Florida over the past 50 years on a wide variety of research projects. I was a senior fishery biologist for the Alaska Department of Fish and Game, and have consulted with the staff at the Alaska Sea Life Center.

These amendments to the Alaska State Veterinary Practice Act have been long overdue and will allow for improved care of our animal patients through an increased availability of professional consultations in a state with few resident specialists. Our wildlife management and research programs will have freer access to the small pool of expert wildlife veterinarians available in the United States, and monies and time previously spent in obtaining temporary licenses for veterinarians supporting wildlife research could be redirected towards needed sample collection and analysis costs. Recognition of the special position of veterinary students and of veterinarians employed by the military and Federal and state agencies will avoid confusion and ultimately increase the quality and range of veterinary services available to all Alaskans. These special situations have long been recognized in the Veterinary Practice Acts of most other states and our Board of Veterinary Medical Examiners has been working with the staff at the Alaska Division of Occupational Licensing to develop these proposed changes which will bring Alaska's statutes up to date and able to recognize these special needs.

I commend Representative Mark Neuman for his vision in this important matter and strongly encourage my legislators to vote in support of this bill and move it towards speedy passage during the upcoming legislative session.

Most respectfully,

Robert O. Baker, Ph.D., Cdr. USN (ret)
840 Breakwater Cir.
Anchorage, AK 99515-3632

From: Pam Tuomi [pamt@alaskasealife.org]
Sent: Monday, January 14, 2008 7:53 PM
To: Sue Gullufsen
Cc: Faith Schneider
Subject: HB297

As a 38 year Alaskan resident, veterinary small animal clinic owner and practicing veterinarian active in marine wildlife research, I strongly encourage the passage of House Bill 297.

These amendments to the Alaska State Veterinary Practice Act have been long overdue and will allow for improved care of our animal patients through an increased availability of professional consultations in a state with few resident specialists. Our wildlife management and research programs will have freer access to the small pool of expert wildlife veterinarians available in the United States and monies and time previously spent in obtaining "temporary" licenses for veterinarians supporting wildlife research could be redirected towards needed sample collection and analysis costs. Recognition of the special position of veterinary students and of veterinarians employed by the military and Federal and state agencies will avoid confusion and ultimately increase the quality and range of veterinary services available to all Alaskans. These special situations have long been recognized in the Veterinary Practice Acts of most other states and our Board of Veterinary Medical Examiners has been working with the staff at the Alaska Division of Occupational Licensing to develop these proposed changes to bring Alaska's statutes up to date and able to recognize these special needs.

I commend Representative Neuman and will be encouraging my legislators to vote in support of this bill and move it towards speedy passage during the upcoming legislative session.

Pam Tuomi, D.V.M.
Senior Veterinarian
Alaska SeaLife Center
P.O. Box 1329
Seward, AK 99664

From: Sue Gullufsen
Sent: Monday, January 21, 2008 10:51 AM
To: Rep. Mark Neuman
Subject: FW: HB0297
Follow Up Flag: Follow up
Flag Status: Completed

From: Karpovich, Shawna A (DFG) [mailto:shawna.karpovich@alaska.gov]
Sent: Tuesday, January 15, 2008 8:48 AM
To: Sue Gullufsen
Subject: HB0297

As a wildlife biologist, I completely agree with what Dr. Tuomi of the Alaska Sea Life Center wrote:

"These amendments to the Alaska State Veterinary Practice Act have been long overdue and will allow for improved care of our animal patients through an increased availability of professional consultations in a state with few resident specialists. Our wildlife management and research programs will have freer access to the small pool of expert wildlife veterinarians available in the United States, and monies and time previously spent in obtaining temporary licenses for veterinarians supporting wildlife research could be redirected towards needed sample collection and analysis costs. Recognition of the special position of veterinary students and of veterinarians employed by the military and Federal and state agencies will avoid confusion and ultimately increase the quality and range of veterinary services available to all Alaskans.

These special situations have long been recognized in the Veterinary Practice Acts of most other states and our Board of Veterinary Medical Examiners has been working with the staff at the Alaska Division of Occupational Licensing to develop these proposed changes which will bring Alaska's statutes up to date and able to recognize these special needs.

I commend Representative Neuman and will be encouraging my legislators to vote in support of this bill and move it towards speedy passage during the upcoming legislative session."

Thanks,

Shawna Karpovich
Alaska Department of Fish & Game
Wildlife Conservation
Harbor Seal Program
1300 College Rd.
Fairbanks, AK 99701

ph: (907)459-7239
fax: (907)459-7332

Beth Schneider

From: devonyl@aol.com
Sent: Monday, February 04, 2008 2:47 PM
To: Rep. Mark Neuman
Subject: *****SPAM*****

Re HB 297

This email is in support of HB 297, which would enable veterinarians to bring to Alaska 4th-year veterinarian students to assist with vet work in Alaska. I am a horse owner in Homer. I very much value the recreational activities I am able to pursue with my horses, which provide both physical and psychological benefits. In addition, I strongly support any legislative action that promotes equine-assisted therapeutic programs in Alaska, such as those certified by NARHA (North American Riding for the Handicapped Association) and EAGALA (Equine Assisted Growth and Learning Association). Interacting with horses has been shown to promote emotional, psychological, and physical healing and well being in unique and often profound ways. In smaller communities, finding vets with training in horse care can be difficult; HB 297 would help alleviate this problem and facilitate the care of horses throughout the state.

More new features than ever. Check out the new [AOL Mail!](#)

From: on behalf of From: F.R. Conniff [osuvet2003@yahoo.com]
To: 'Rep_Mark_Neuman@legis.state.ak.us'
Cc: Jenny Strickler
Subject: RE: HB 297

Dear Representative Neuman

I am Frederick Conniff, DVM, Alaska License 512.

I wanted to take a moment to lend my support to HB 297. I think it will help us recruit the best of the graduates from the programs around the country to practice veterinary medicine in Alaska.

Thank you for your support.

F.R. Conniff, DVM

From: Milli [millimom@xyz.net]
Sent: Thursday, January 31, 2008 6:47 AM
To: Rep. Mark Neuman
Subject: HB 297

Dear Representative Newman,

In reviewing HB 297, I have a question. Why is the reference to farriers being deleted?

I do fully support the bill as I believe this will offer more and better services as Alaska grows, and with it a need for Veterinarians. We are very fortunate in Homer to have the services of several excellent folks, but I can certainly see where other areas would have a need, and encouraging 4th year students to come to the state will help where there are shortfalls.

Thank you for sponsoring this bill.

Sincerely,

Milli Martin
P.O. Box 2652
Homer, Alaska 99603

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 10, 2008

SUBJECT: Definition of the practice veterinary medicine
(CSHB 297(L&C)) (Work Order No. 25-LS0357\K)

TO: Representative Andrea Doll
Attn: Susan Hargis

FROM: Alpheus Bullard *AB*
Legislative Counsel

In response to a constituent concern, you have asked for a legal opinion as to the possible effects of a change made to the definition of veterinary practice in CSHB 297(L&C).

CSHB 297(L&C) (25-LS0357\K) provides that a person is "practic[ing] veterinary medicine" if the person diagnoses, treats, corrects, changes, relieves the physical or mental condition of an animal or renders advice or a recommendation as to how to diagnose, treat, correct, change, or relieve the physical or mental condition of an animal.¹

This definition of the "practice of veterinary medicine" encompasses a wide spectrum of actions and behaviors. While this definition of veterinary medicine in CSHB 297(L&C) is conditioned in its application by a number of exemptions in the bill,² the manner in

¹ The bill provides, in pertinent part:

* **Sec. 7.** AS 08.98.250(5) is amended to read:

(5) "practice of veterinary medicine" **means**

(A) [MEANS FOR COMPENSATION] to

(i) diagnose, treat, correct, change, relieve, or prevent animal disease, deformity, defect, injury, or other physical or mental condition, including the prescription or administration of a drug, biologic apparatus, anesthetic, or other therapeutic or diagnostic substance;

(ii) use a manual or mechanical procedure for testing for pregnancy or correcting sterility or infertility; or

(iii) render advice or recommendation with regard to any matter listed in (i) or (ii) of this subparagraph; [. . .]

² The bill provides:

* **Sec. 3.** AS 08.98 is amended by adding a new section to read:

which the "practice of veterinary medicine" is defined will describe the activities of many people who (1) may reasonably believe that they are not "practicing" veterinary medicine and are (2) not covered by the bill's enumerated exemptions.

If I can be of further assistance, please do not hesitate to contact me.

TLAB:ljw

08-142.ljw

Sec. 08.98.125. Exemptions. This chapter does not apply to the following:

- (1) a veterinary medical officer in the military service in the discharge of official duties or as an employee in the federal or state government performing veterinary medical services within the scope of the person's official duties;
- (2) a person who provides care without remuneration to an injured or ill animal that reasonably appears to the person to be in need of aid;
- (3) a veterinarian who is licensed in another state or country, or a person whose expertise a veterinarian licensed in this state believes would benefit an animal, and who provides only consultation to a veterinarian licensed in this state;
- (4) a holder of a student permit under AS 08.98.188;
- (5) a person who performs euthanasia of an animal in the course and scope of the person's employment while employed by an agency that has a permit issued under AS 08.02.050;
- (6) a veterinarian licensed and residing in another state who provides assistance, as requested by and under the supervision of a veterinarian licensed in this state, for the purpose of providing skills not otherwise available in this state in conducting research or other practice of veterinary medicine on captive or free-ranging wildlife; however, that assistance is limited to not more than three events in a calendar year for not more than a total of 60 days in the year and may not be on a regular or recurring basis, as defined by the board;
- (7) a person engaged in the practice of artificial insemination in an animal;
- (8) a farrier in the performance of the farrier's profession;
- (9) a person approved by the Department of Health and Social Services to administer rabies vaccine to animals; and
- (10) a person or employee of a person, who, without compensation, treats only animals belonging to that person, unless ownership is transferred for the purpose of avoiding this chapter or unless the primary purpose of hiring the employee is to avoid application of this chapter.

Representative John Coghill
Chair, House Rules Committee
State Capitol
Juneau, AK 99811

March 9, 2008

Subject: HB 297, relating to the practice of veterinary medicine

Dear Representative Coghill

The House Rules Committee has in its possession HB 297, relating to the practice of veterinary medicine.

Though I have significant concerns about the effect that the revised definition of the "practice of veterinary medicine" proposed by the bill will have on individual pet owners like myself, I am writing to you regarding three issues in the bill that should be addressed before the bill is passed out of the Rules Committee and sent to the floor of the House of Representatives.

FIRST, there are two manifest contradictions in the bill.

One, in Sections 1 and 2 of the bill the board of veterinary examiners is authorized to issue student permits and Section 5 of the bill sets out the limitations on a student permit holder and on the veterinarians who supervise student permit holders. However, in Section 3 of the bill, there is a list of persons who are exempt from AS 08.98 and from regulation by the board. One of the persons who is exempt from regulation by the board is the holder of a student permit (see, paragraph 4 of Section 3). Which is it? Are student permit holders subject to the board or not? The bill as a whole suggests that the student permit holders are intended to be regulated by the board. *To resolve this contradiction, that part of section 3 that exempts student permit holders from regulation should be deleted from the bill.*

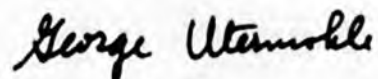
Two, in Section 3 of the bill relating to exemptions, an exemption is extended to the owner of an animal and an employee of the owner, who, without compensation, treats the animal (see, paragraph 10 of Section 3). However, by definition an employee is compensated for his/her work. There cannot be such a thing as an employee who is not compensated. An "employee without compensation" is a contradiction in terms. *To resolve this contradiction, I would suggest that the phrase "without compensation," be deleted from the exemptions in Section 6 of the bill.*

SECOND, the bill has a zero fiscal note submitted by the Department of Commerce, Community & Economic Development. However, it is not clear that a zero fiscal note is justified. In Section 6 of the bill, the definition of "accredited veterinary school" is

amended by deleting reference to accreditation of veterinary schools performed by the American Veterinary Medical Association. If the board is not going to rely on a professional accrediting organization to determine which veterinary school are to be accredited in Alaska, then the board must intend to make its own determinations as to which veterinary school are to be accredited and which are not. The accreditation process for any educational institution is a complicated and time-consuming process and, unus, expensive. The accreditation process is expensive due to the time and expertise required to review each school in sufficient depth to determine whether its educational program does or does not merits accreditation in Alaska. *If the board intends to undertake a meaningful and realistic, independent accreditation of veterinary schools, then the fiscal note should reflect the true, additional on-going costs to the board and department for conducting the accreditations and the bill should be referred to the House Finance Committee for consideration.*

Thank you for your consideration.

Sincerely,



George Utermohle
P.O. Box 20887
Juneau, AK 99802
(907) 586-3849

cc: Members House Rules Committee

Rynniva Moss

From: Beth Schneider
Sent: Tuesday, March 11, 2008 9:38 AM
To: Rynniva Moss
Subject: CS for HD297
Attachments: HB297001.PDF

And, I will have more support letters that will help to clarify the changes (from veterinarians).

Also, the concerns expressed by Mr. Utermohle had previously been identified by Alfeus and are incorporated in this CS. Student permits holders have been deleted from Section 3. Also, the "employee without compensation" was a contradiction - but to cover "volunteers" the change has been made to "WITH OR without compensation".

I will bring down the support letters unless you would prefer that I scan and e-mail them to you.

Beth
x3820

Canines Unlimited

P.O. Box 34496, Juneau, AK 99803
PH/Fx: 907-790-DOGS (3647)

Martha Fischbach

www.caninesunlimited.com
info@caninesunlimited.com

March 3, 2008

Representative John Coghill, House Rules Chairman
State Capitol, Room 214
Juneau, AK 99801-1182

Re: HB 297, Practice of Veterinary Medicine, Bill Considerations

Dear Representative Coghill:

HB 297 is currently in Rules Committee. This bill has significant ramifications on Alaskans, animal care and economics in this state, and needs serious, thorough study before moving further.

I applaud the Veterinary Board's wish to allow and protect veterinary students in Alaska, and the concept of a Good Samaritan clause that may protect some people rendering treatment to ill or injured animals.

However, in their zeal to further animal care in Alaska, they are amending the definition of the practice of veterinary medicine, removing "for compensation" from that definition. With few exceptions, and unless you are an Alaska licensed veterinarian, this will essentially make discussion of animal care, or care by anyone other than the animal's legal owner (or uncompensated employee), practicing veterinary medicine without a license, an unlawful conduct.

The current definition of the practice of veterinary medicine is very thorough, and applies to any "physical or mental" change, any recommendation, or any representation of that, for compensation. The ramifications of removing those two words from the definition touch anyone who communicates about animal care, and any non-owner who feeds, or grooms an animal or renders any kind of care or information that changes the physical or mental condition of the animal (exception for uncompensated employee of owner).

What/who would this affect? The Iditarod, Yukon Quest, kennel clubs, dog and horse shows, fairs, 4-H clubs, farmers, kennel and stable boarding facilities, pet sitters, breeders, tourists, humane societies and rescue organizations, schools, dog mushers, pet owners and non-animal owners, pet stores, family members, trainers, groomers, retail shops, Search and Rescue...all would be affected. Daily, at least hundreds (maybe thousands?) of infractions in the state, would take place, as people talk about animal care and provide care and recommendations for animals they do not own. It may take years to get enough new veterinarians in the state, licensed and practicing, to provide the daily care and advice for all the birds, beasts and fish in the state. If Alaskans (and others) abide by the proposed law, both citizens and animals will suffer, defeating the ultimate goal of providing good animal care. Ultimately, animals may receive less care, countering the best interests of pets and people in the state. It prevents animal owners and non-owners from experiencing and benefiting from the knowledge and experience of other humans. Rural Alaskans, with no local veterinarian, are already underserved, and this will make it worse.

This bill and its complicated issues should not be allowed to go to the floor without further study of its far reaching affects. I would be happy to provide further information if needed. Thank you for your consideration.

Sincerely,



cc: House Rules Committee members



January 31, 2008

**To: Alaska House of Representatives
Labor and Commerce Committee**

Re: House Bill 297

I would like to express my support of House Bill 297. I have been a practicing veterinarian in Alaska for the past 10 years and a member of the Alaska State Board of Veterinary Examiners for the past 5 years.

During my tenure on the board I have become aware of some shortcomings of our current veterinary practice act. Veterinary Medicine has progressed considerably since I began professional practice in 1980. We now have diagnostic abilities in my practice, Soldotna Animal Hospital, that were not even available at a university level when I began my career. My associates and myself routinely consult over the Internet by means of the Veterinary Information Network. We transmit ECG's by telephone and consult directly with board certified veterinary cardiologists in New York. In my practice we perform flexible and rigid videoendoscopy and capture digital images that can be transmitted electronically. The abilities of today's professionals and expectations of today's clients are unlike those in times past. Our practice act needs to be updated to reflect these changes.

It is in the best interest of the people of Alaska to enable veterinarians to consult with professionals outside our state, Progressive veterinarians need the ability to legally consult with veterinary specialists outside our state to utilize outside expertise to assist our patients.

It is also beneficial to enable veterinary researchers and professionals to assist in ongoing projects at the Alaska Sea Life Center and other government entities. Our legislation exempts these researchers who give their time to assist with wildlife in our state.

Although we do not have the population base to have our own College of Veterinary Medicine, there are veterinary students who seek out excellent veterinary practices in our state to partner in their professional education through official externship programs. In my practice in Soldotna we have hosted several veterinary students from different colleges of veterinary medicine. It is important that we can participate in the education process. It is beneficial to our practices to maintain a quality of practice that is attractive to senior veterinary students. These advanced students are the veterinarians of tomorrow. Our state will continue to need veterinarians to care for the animals in the homes of our people and this group of students will be an important resource for Alaska's future.

I also strongly support including a provision to include alternative and complementary medicine in the veterinary practice act including manual and manipulative therapy, acupressure, acupuncture, acutheraPy and homeopathy. These modalities may be of benefit to our animals but should be under the supervision of a licensed veterinarian.

I have been very pleased to serve the people of the state of Alaska on the Board of Veterinary Examiners for the past 5 years. I truly believe that my most important contribution during my tenure on the board has been to assist in developing this legislation. I humbly ask for your support.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy L. Bowser". The signature is fluid and cursive, with a large initial 'T' and 'B'.

Timothy L. Bowser D.V.M.
Soldotna Animal Hospital

R B Heath
4920 Crest Rd
Seven Seven Anesthesia Consulting
Fort Collins, CO 80526
970-226-3559
rheathdvm@aol.com

Alaska Board of Veterinary Medicine
Department of Commerce
Division of Corporations
Business and Professional Licensing
PO Box 110806
Juneau, AK 99811-0806

12 Mar2008

Dear Sirs.

I am a veterinary anesthesiology specialist consultant. I do not take out a yellow pages ad, hang out a shingle anywhere, nor practice for any public persons in the sense of other veterinarians. I am a sole proprietor and advise biologists and wildlife veterinarians in Alaska by equipment support, phone, e-mail and in person. I have given talks previously at Alaska State continuing education meetings. I was a professor at Colorado State University and taught most of the veterinarians involved in your former WICHE program.

The AVMA published practice acts appearing on page 297 Section 6, of the AVMA Directory, show consultation as an allowed mission. The example practice act further allows fairly free passage for governmental teams to perform their work for the benefit of your missions throughout the state. I work solely for governmental units. Alaska, we know, did not completely adopt these nationally stated and/or suggested guides. Alaska in their regulation does not allow reciprocity with my state licensure.

As I read your web site, I have been in violation of Alaskan rules for the past 15 years.

In the last year, Alaska Fish & Game, and other units working on your wildlife problems, have pointed out the difference in your practice regulations and now require consultants and government employees to have an Alaska permanent or temporary license, which is outside of the intent of the national practice act. It is really strange that they NEED some outside help which we have provided in the past and will need more advice in the future, but we no longer can provide such specialized help.

It is a problem that I contest as an honest consultant trying to help with requests for special advice on problems. I question the wisdom of using the practice acts to exclude myself and other consultants from helping your veterinarians solve pertinent problems by requiring an Alaska license to do any further work for them. The problem is larger than just my one instance, however. Large numbers of government biologists and technicians, who are not veterinarians are working on animals throughout the state, including most wildlife species. Some are qualified or have at least some experience, however all are "un-licensed". Many are working after simply "watching" a consultant such as myself without specific, formal training. They simply happen to be the technician or primary investigator for some major research funded project. They are surgically removing teeth, biopsy samples, skin, blubber, fat and muscle. They inject capture drugs, isotopes, antibiotics and hormones and then take multiple blood samples and interpret the results for publication and reports. In my opinion that is a larger practice license question than my specialized advising and consulting for many of these projects. It is

conceivable that significant problems may occur when a board certified specialist in anesthesia is naively replaced by a technician or veterinarian with no advanced qualifications other than just having an Alaskan license. I answer telephone requests on a regular basis from these technicians asking what to do to make some drug or piece of equipment work the way it was working when I left the project in their hands last year. I point this out in the next paragraph where we are working with an endangered species, under specific permit from federal programs.

This coming year, there are some projects proposed which will take considerable more risk and expertise, and will include anesthetizing large sea lion bulls on the docks in Kodiak. The equipment must be specially made and professionally used. The equipment is not available at Fish and Game or Sealife Center. The project involves National Marine Fisheries units out of Seattle which has huge involvement with your whole fisheries industry. Considerable expense, expertise and equipment have been set up in preparation for this work. We are researching the health of the oceans and have spent several years even getting the permits to work with Stellers sea lions. Now, we have this obstacle proposed which interrupts the project completely. It is a stipulation for us to spend extra money trying to secure and maintain a license which seems completely unnecessary to the mission and does not really involve protecting the citizens of Alaska which is your true objective. I have been told that each trip I make as a consultant will have to have a separate temporary license at considerable expense to each project.

In conclusion, I and other veterinarians, notably Drs Pam Tuomi and Dan Mulcahy in a letter dated 9 Oct, 2005 to the Vet Board, would like to point out some advantages to your pursuit of amending the practice act. In a simple adoption of the national standard you would assure yourselves of professional help for the allowed governmental projects. You would bring Alaska in line with several other states where these same projects are being researched on the same species by the same biology teams, thereby giving valuable continuity to these vital federal programs. Your statewide wildlife needs would benefit from being able to place professional people in their work loads, and allow personal on the scene help instead of perceived emergency telephone calls from unlicensed technicians behind the scenes doing most of the veterinary work.

Respectively for your consideration,

R Bruce Heath DVM MSc
Dip Am College of Vet Anesthesia
Professor Emeritus Colorado St University

cc:

Dr. Steve Torrence, Southeast Alaska Animal Medical Center, 4433 Windfall Ave, Juneau, Ak 99801.

Dr Pam Tuomi AK Sealife Center 601 Railway Ave. PO Box Seward AK.

Don Calkins AK Sealife Center Chief Coordinator Marine Mammal Programs

Drs Tom Gellat, Bob DeLong and Brian Fadely National Marine Mammal Labs Seattle

Dr Kimberly Beckman AK F&G Fairbanks, AK

From: Dr. Priddy [drpriddy.vsoa@ak.net]
Sent: Monday, March 10, 2008 10:43 PM
To: Beth Schneider
Subject: HB 297

To Whom It May Concern:

As a practicing veterinarian in the State of Alaska, I would like to add my voice of support for HB 297 as written. It is in the best interest of the citizens of Alaska and their pets to have only veterinarians treating their pets. Our knowledge base and training qualify us more than any others. The changes to the existing Veterinary Practice Act proposed by HB 297 ensure that the public and the animals of Alaska will be best served by the veterinary profession.

Respectfully,

Nelson H. Priddy II, DVM
Diplomate American College of Veterinary Surgeons
President, Alaska State Veterinary Medical Association

Veterinary Specialists of Alaska
3330 Fairbanks Street
Anchorage, AK 99503
(907) 274-0645

Rep. Mark Neuman

From: Jim Leach [alaskatraildoc@mtaonline.net]

Sent: Tuesday, March 11, 2008 11:34 AM

To: Rep. Mark Neuman

Subject: response

Mark,

As per our telephone conversation this morning:

1. The verbiage of "for compensation" under consideration in the Alaska Veterinary Practice Act.

This is not a new issue, but has been a consideration since I served on the Veterinary Board.

The wording "for compensation", SHOULD BE REMOVED.

The continued inclusion of these words, allows untrained, unqualified persons to foster on the public that they have the knowledge and expertise to handle, diagnose and treat animals. The removal of the words "for compensation" in no way will prevent persons who own animals from handling or treating animals that they personally own.

I would respectfully request that the wording "for compensation" be removed.

2. The issue, being considered for Veterinarians, BEING REQUIRED BY LAW, to report animal abuse, in my estimation, is not a good application of law.

Graduate Veterinarians, are bound under the oath taken when they graduate (from a qualified school), to protect animals.

I know of no instance that a veterinarian would NOT report cases of actual animal abuse, of his / her own accord.

One of the issues, within this consideration, is just WHAT IS abuse...

I believe veterinarians have the knowledge to recognize animal abuse, the contacts available to report such activity and I believe would report such activity without the legislative requirement to do so. I believe, passing a law to DEMAND, such reporting is

maligning and demeaning to the professionalism of veterinary medicine.

I would respectfully request this requirement NOT be considered.

3. The removal of the qualification, BY THE A.V.M.A., for veterinary schools (or program) for graduates to practice in the State of Alaska is not an advisable change. The AVMA has the expertise, the funding and the means, to evaluate and qualify the veterinary education programs from the USA and around the world. The proposed change would shift the responsibility for this evaluation to the Alaska State Veterinary Board.

I believe to attempt this "qualification" by the Alaska State Veterinary Board would allow the possible excessive liberalization of veterinary graduate requirements. This liberalization, could allow less than adequately trained and qualified individuals to be allowed to practice veterinary medicine in Alaska.

I would respectfully request that the wording change to remove the AVMA qualification of veterinary schools NOT be considered.

Mark, if there is any way I can be of further assistance, please let me know.

After tomorrow, Annie and I will be Outside for the next two weeks.

Thank you for your efforts on the behalf of the Veterinary profession.

Regards,

Jim Leach DVM

Representative John Coghill
Chair, House Rules Committee
State Capitol
Juneau, AK 99811

Subject: HB 297, relating to the practice of veterinary medicine

Dear Representative Coghill

I am a dog owner. I have had pets most of my life. For the last 20 years, I have raised Bernese Mountain Dogs. During those 20 years, the same veterinarian has treated my dogs. I value his knowledge, experience, and expertise. I want to be assured that quality veterinary service will be available to treat and care for my dogs.

However, I am writing you to express my concerns regarding HB 297, relating to the practice of veterinary medicine, and the adverse effects that the proposed expansion of the definition of "practice of veterinary medicine" would have on every pet and animal owner.

Advice and Recommendations Regarding Animal Care.

HB 297 proposes to amend AS 08.98.250(5)(A) by deleting the phrase "for compensation" from the definition of "practice of veterinary medicine." This change is unnecessary to prevent the unlicensed practice of veterinary medicine or to protect veterinarians from competition from other providers of animal services. Most significantly, the amended definition would subject any person who is not a licensed veterinarian and who gives advice or recommendations regarding the health of an animal to criminal penalties for practicing veterinary medicine without a license. See, CSHB 297(L&C), Sec. 7, page 5, lines 2-3. The unlicensed practice of veterinary medicine is a misdemeanor crime punishable by a \$10,000 fine and/or one year of imprisonment. See, AS 08.98.120(c).

Wherever two or more pet owners meet, they talk about their pets. Naturally, the conversation will involve the health, diet, and behavior of the pets. Being human, pet owners cannot resist giving advice to other pet owners, particularly in regard to the health and care of their pets. I truly value the advice and recommendations that I have received from other dog owners about illnesses, injuries, and behavioral issues that affect my dogs. I and my dogs have benefitted from those discussions. If I had not had the opportunity to talk with other dog owners about their experience with the various medical treatments and surgeries facing my dogs, I would have been a less informed consumer of veterinary services. There is a certain informational value and reassurance that is derived from the advice and experience of fellow pet owners that my veterinarians cannot provide. HB 297 would prohibit pet owners from giving any advice or making any recommendations, including free advice and recommendations, to other pet owners on health matters.

I must admit that if the definition of the "practice of veterinary medicine" is amended as proposed by HB 297, I will continue to give advice and recommendations based on my personal experiences to other dog owners and I will continue to solicit advice and recommendations from other dog owners whom I respect and trust. I suspect that I am not alone. It does not make sense to criminalize the exchange of advice and recommendations that can provide useful information regarding the health and well being of my dogs. The legislature cannot really intend to prohibit the exchange of information among pet owners or between pet owners and trained, knowledgeable non-veterinarian professionals. Such a prohibition is contrary to the public interest and should not be enacted.

In testimony before the House Labor & Commerce Committee, the representatives of the Department of Commerce, Community and Economic Development and the Board of Veterinary Examiners said that the bill was not intended to apply to so-called "neighbor-to-neighbor" conversations and that the law would not be enforced against them. If that is the case, then why are "neighbor-to-neighbor" conversations even covered in the bill? Clearly the bill is intended to criminalize the uncompensated exchange of advice and recommendations ("neighbor-to-neighbor" conversations) on pet health and behavior issues because that is the sole effect of deleting the phrase "for compensation" from the definition of "practice of veterinary medicine" in AS 08.98.250(5)(A).

If a law is not going to be enforced then it should not be enacted. Likewise, if it does not make sense, it should not be enacted.

It is my request and recommendation that the current definition of "practice of veterinary medicine" contained in AS 08.98.250(5)(A) be retained so that uncompensated activities are excluded from the practice of veterinary medicine.

Undesirable Consequences of HB 297.

The L&C Committee Substitute has a pretty good "Good Samaritan clause" that allows persons to provide care to an ill or injured animal that "reasonably appears to the person to be in need of aid." See, CSHB 297(L&C), Sec. 3, page 2, lines 25-26. However, the "Good Samaritan clause" is not broad enough to cover all of the foreseeable circumstances.

One, if I saw a dog that had fleas, hotspots, or a porcupine quill in its nose and told the owner of the dog about the problem, I could well be practicing veterinary medicine without a license. Am I diagnosing an injury according to the definition of "practice of veterinary medicine"? I do not know. The "Good Samaritan clause" would protect me, if I treated the fleas or hotspots or removed the quill but it would not protect me if I only reported the injury to the owner.

Two, if I gave advice on how to best remove porcupine quills to a person whose dog had porcupine quills. I would be practicing veterinary medicine without a license. In this instance I am not treating the injury, I am just giving advice. Giving advice regarding the treatment of an injury to a dog is not covered by the "Good Samaritan clause," and is clearly prohibited by proposed definition of "practice of veterinary medicine" in HB 297.

Three, when I must leave town, I must have someone watch my dogs. My dogs are receiving long term medication to address low thyroid hormone levels. My vet has instructed me that the medication is to be administered strictly on schedule every day. Under the definition of "practice of veterinary medicine," the administration of a drug must be done by a licensed veterinarian otherwise it is the unlicensed practice of veterinary medicine. Under current law, the person who watches my dogs can administer the thyroid medicine, provided that my neighbor is not compensated. However, under HB 297, only the owner or the owner's employee can administer drugs to an animal. A pet sitter is not allowed to administer drugs to my dogs unless he is either a licensed veterinarian or my employee. Neither my neighbor nor a family friend could administer the medicine to my dogs. The "Good Samaritan clause" in HB 297 would not apply because my dogs do not appear to be in need of aid. Many diseases requiring extended drug treatment are not readily apparent to a reasonable person, so the "Good Samaritan clause" would not apply. Under HB 297, my only options are to arrange for a veterinarian to administer the required drugs twice a day or to never leave town. This result is nonsensical, inconsistent with the purpose underlying the veterinary licensing statutes, and contrary to the public interest.

The solution to the three scenarios described above is to retain the current definition of "practice of veterinary medicine" which exempts uncompensated activities from the practice of veterinary medicine.

Current Definition "Practice of Veterinary Medicine" is Overbroad.

HB 297 proposes to expand the current scope of the practice of veterinary medicine under AS 08.98.250(5) by including activities, procedures, advice, and recommendations regarding animal physical and mental health that are provided without compensation. Under the current law, activities, procedures, advice, and recommendations that are provided without compensation do not constitute the practice of veterinary medicine.

Nonetheless, the current definition of the "practice of veterinary medicine" is also overly broad. The current definition encompasses many activities that legitimately fall within the scope of other professions. Professional dog groomers, dog and animal trainers, boarding kennels, and businesses that sell pet products engage in activities that are more or less encompassed by the current definition of "practice of veterinary medicine" because each of these professions provides its services for compensation.

Dog groomers treat, correct, relieve, or prevent the physical conditions of animals as part of their profession. Some coat and skin conditions treated by groomers affect the health of the animal.

Dog and animal trainers provide guidance to animal owners regarding the behavior of their animals and educate and advise owners on how to train their animals to behave in the presence of people and other animals. Animal trainers treat, change, and relieve mental conditions of animals and thus fall within the scope of the practice of veterinary medicine.

Boarding kennels are often called upon to provide medication to the animals in their care. The kennels charge for that additional service. The administration of drugs is one of those activities that falls within the scope of the practice of veterinary medicine.

Businesses that sell pet products, particularly the specialized pet stores, are often requested for recommendations on the best foods, treatments, and over the counter medications to promote pet health or to address a specific pet health conditions. Providing advice or recommendations regarding treating, correcting, relieving, or preventing animal disease or other physical condition falls within the scope of the practice of veterinary medicine.

Each of these professions provides a valuable service to animal owners and the public in general. The public would suffer if these services could be provided only by a licensed veterinarian because there are not enough veterinarians available to provide these services. The high cost of these services if provided by veterinarians would discourage the public from seeking those services. Veterinarians do not generally offer these services within their veterinary practices. No public purpose is served by subjecting these professions to regulation by the board of veterinary examiners.

Current law exempts farriers from the definition of practice of veterinary medicine. See, AS 08.98.250(5)(D)(ii). Even though some of the activities of a farrier might fall within the scope of the "practice of veterinary medicine," farriers are explicitly exempted from the definition of the "practice of veterinary medicine." A similar explicit exemption should be given to professional dog groomers, dog and animal trainers, boarding kennels, and businesses that sell pet products.

I would request that the current definition of the "practice of veterinary medicine" be amended to include exemptions for professional dog groomers, dog and animal trainers, boarding kennels, and businesses that sell pet products. The exemption could read:

The practice of veterinary medicine does not include:

- (1) the practices of an animal groomer done in the performance of the groomers profession;**
- (2) the practices of an animal trainer done in the performance of the trainers profession;**
- (3) the practices of a boarding kennel operator done in the conduct of the operators business;**

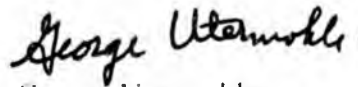
George Utermohle
HB 297, practice of veterinary medicine
March 11, 2008

(4) the practices of the proprietor of a retail business that sells pet food, equipment, supplies, accessories, or other pet products in the normal course of business.

At the present time, no version of HB 297 addresses the issues discussed this letter. No version of this bill, including the draft CS () version L, should be passed from the House Rules Committee. The bill should be referred to a substantive committee for further work or should be held in the Rules Committee.

Thank you for your consideration of this matter which so important to me and to other pet owners.

Sincerely,



George Utermohle
PO Box 20887
Juneau, AK 99802
907-586-3849
norwaypt@gei.net

**SKAGWAY POLICE DEPARTMENT**

P.O. BOX 518

SKAGWAY, ALASKA 99840

PHONE: (907) 983-2232 FAX: (907) 983-3632

EMAIL: sgypd@aptalaska.net

March 12, 2008

Representative John Coghill
Chairman, House Rules Committee
Alaska State Legislature

Dear Chairman Coghill,

I am writing to express my concern that C.S.H.B. 197 (L&C), which will be heard in Rules Committee today, may have an adverse impact on our community of Skagway.

As you know most communities in Alaska outside of the major rural areas do not have access to routine veterinar, care. In Skagway for instance, there are many circumstances when people cannot get a sick or injured animal to veterinary care. The Skagway Police Department has committed significant resources to developing a program by which we can offer assistance to people and their animals whether it be a case of porcupine quills, a dog that has been hit be a train, or a beloved pet which must be euthanized. We do not misrepresent our level of expertise or our credentials to the people of Skagway, but we are there to help.

The removal of the words "for compensation" from the definition of veterinary practice, could potentially affect our Skagway program. I do not believe the "Good Samaritan Clause" in Section 3 is written strongly enough. For one thing, it does not cover routine care of healthy animals. Also, it needs to make clear that lay people who help each other are not liable under this statute as long as they do not misrepresent themselves or their level of expertise.

Thank you for holding this hearing and for your consideration.

Sincerely,

Ray Leggett
Chief of Police

Red Onion Saloon
Box 271
Skagway Alaska 99840

March 12, 2008

Representative John Coghill
Chairman, House Rules Committee
Alaska State Legislature

Dear Chairman Coghill,

For many years in Skagway, when an animal was sick or injured, owners had no recourse available to them if they were unable to travel several hours for veterinary assistance. Today, the situation for pets and their owners is vastly improved, thanks to our police chief who has developed a program of euthanization, emergency aid and routine care that is invaluable to the residents of our community.

The language changes proposed in H.B. 297 carries the potential to adversely affect animal care practices in Skagway as well as in all of rural Alaska where vet care is not routinely available.

After reading the minutes of the previous hearing and discussing the proposed changes with Dr. Torrence, Chairman of the Veterinary Licensing Board, it became clear to me that of major concern to the Board are individuals who misrepresent themselves to the public and hold themselves out to have cures and treatments for disease. H.B. 297 should be written to accomplish this while still affording protection to the thousands of mushers, groomers, breeders, public safety officers and other lay people who routinely care for animals and are in constant communication with each other regarding animal health issues.

I propose the following language be included Section 3. Any person who provides routine health care to an animal, whether healthy or sick, without remuneration is not in violation of this statute unless they misrepresent themselves, their credentials or their level of expertise or claim to have a cure or a treatment for disease.

Also, it would appear that the Veterinary Board is asking for greater discretion not only in the definition and enforcement of veterinary medicine but also in the evaluation of vets who apply for licensing. I would be interested in hearing the rationale for removing the the language "and conforms to the standards required for accreditation by the American Veterinary Medicine Association" on page 3, line 21 of the bill.

Thank you for your consideration.

Sincerely,



Jan Wrentmore
Proprietor, Red Onion Saloon

Representative John Coghill, House Rules Chairman
State Capitol, Room 214
Juneau, AK 99801-1182

Re: HB 297, Practice of Veterinary Medicine, Additional Concerns

Dear Representative Coghill:

I would request that the Board continue to follow and conform to the Standards of Accreditation by their own professional organization, the American Veterinary Medical Association (AVMA) in licensing applicants. It seems a tremendous waste to simply throw away all the knowledge and expertise accumulated over the years by the AVMA about other programs throughout the world. It will take a lot of time and money for each member of the Board to "reinvent the wheel" and get up to speed on programs worldwide. The public member of the Board may even lack sufficient credentials themselves to be able to make a fair and knowledgeable assessment and recommendation on medical issues. And the time, money and process will have to be repeated each time a board member is replaced...a very costly proposition.

A previous board has gone on record choosing to make even a discussion between non-veterinarians about neutering a pet, a punishable offense. They decided they would deal with all the infractions on a case-by-case basis. A Board with similar intentions could easily happen again and all the criminals created by this bill, would not be protected by the good intentions of other Boards. Good intentions do not have the force of law. The "Good Samaritan" clause in this bill does not offer protection either, for normal, everyday care, nor care for healthy animals.

Fiscal Notes from Law and Public Safety seem to be in order, given the massive number of people (hundreds/thousands) who would be committing criminal acts on a daily basis, and need to be prosecuted. Of course the new laws would be expected to be equitably enforced throughout every community in the state. A Fiscal Note from Commerce is also needed, to process the huge number of new licensed veterinarians that will be required to provide the feeding, boarding, training, grooming, advice and other care which would become illegal upon passage of this bill.

The significant economic effects of HB 297 on events like the Iditarod, Quest, state fairs, and horse and dog shows should be evaluated. What will happen to the livelihoods of trappers, mushers, herders and farmers when they can't afford the cost of the veterinarian to do the necessary daily care when they (the owners) are unable to provide the care? Will they have to/be able to find a new profession? And what will happen to their animals...will they have to be sold, or even destroyed (because no one else can afford them either)?

A fair, thorough, impartial and accurate assessment of all the ramifications and costs of this proposed legislation needs to be done before further action is taken.

Sincerely,



Representative John Coghill, House Rules Chairman
State Capitol, Room 214
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